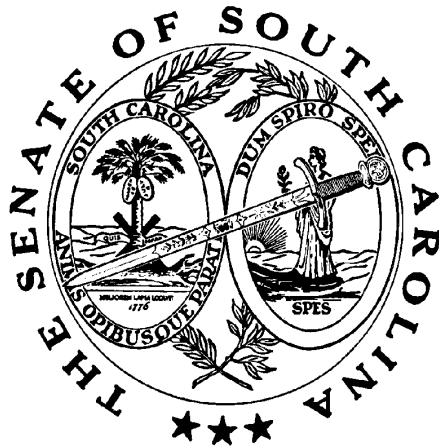


NO. 13

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, FEBRUARY 10, 2009

Tuesday, February 10, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

We hear the proclamation in Isaiah that:

“See, I am doing a new thing! Now it springs up; do you not perceive it?” (Isaiah 43:19a)

Let us bow in prayer, please:

Gracious Lord, we continue to be overwhelmed by all that You have done and by all those good things that You continue to do. We thank You for Your rich and splendid blessings as we experience them here in South Carolina. Now we ask You, O God, also to bestow Your Spirit’s grace upon each of these leaders here in this Chamber. Guide each Senator as he strives to do those things that are so necessary during these challenging times. Equally bless our women and men in uniform wherever they serve, and be with and guide our leaders in Washington as well. In Your loving name we pray, Lord.
Amen.

The PRESIDENT *Pro Tempore* called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Mark C. Sanford:

Statewide Appointments

Initial Appointment, South Carolina Arts Commission, with the term to commence June 30, 2006, and to expire June 30, 2009

At-Large:

Elizabeth W. Factor, 49 Church Street, Charleston, SC 29401 *VICE*
Frances B. Gilbert

Referred to the Committee on Education.

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Reappointment, South Carolina Arts Commission, with the term to commence June 30, 2009, and to expire June 30, 2012

At-Large:

Elizabeth W. Factor, 49 Church Street, Charleston, SC 29401

Referred to the Committee on Education.

Doctor of the Day

Senator FAIR introduced Dr. Ted Watson of Anderson, SC, S.C., Doctor of the Day.

Expression of Personal Interest

Senator LEVENTIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CAMPSER rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 379	Sen. Rose
S. 336	Sen. L. Martin
S. 134	Sen. Verdin
S. 1, 4, 156, 305	Sen. S. Martin
S. 12	Sen. Malloy
S. 155, 348	Sen. Lourie
S. 347	Sen. Bright

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 22	Sen. Bright
S. 36	Sen. Bright

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 389 -- Senators Rose and Matthews: A SENATE RESOLUTION TO COMMEND THE SUMMERVILLE HIGH SCHOOL ADVANCED WOMEN'S CHORUS, ELEGANZA, FOR PARTICIPATING IN THE PRESIDENTIAL INAUGURAL HERITAGE FESTIVAL AND WINNING NUMEROUS AWARDS

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AT THE FESTIVAL, AND TO WISH THEM MUCH SUCCESS IN THEIR FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE

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41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED, 41-35-140, 41-35-330, 41-35-

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340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 392 -- Senator Davis: A BILL TO AMEND SECTIONS 54-3-10 AND 54-3-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE PORTS AUTHORITY AND ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY ON JULY 1, 2009, SHALL BE GOVERNED BY A DIRECTOR APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, AND ON JULY 1, 2009, THE GOVERNING BOARD OF THE AUTHORITY AND THE POSITION OF PRESIDENT AND CHIEF EXECUTIVE OFFICER ARE DISSOLVED AND THEIR POWERS AND DUTIES ASSUMED BY THE DIRECTOR APPOINTED BY THE GOVERNOR; TO AMEND SECTIONS 54-3-140, 54-3-190, AND 54-3-270, AS AMENDED, RELATING TO POWERS AND OTHER FUNCTIONS OF THE AUTHORITY, SO AS TO CONFORM THESE SECTIONS TO THE ABOVE PROVISIONS; AND TO REPEAL SECTIONS 54-3-30 AND 54-3-40 RELATING TO THE ORGANIZATION AND OFFICERS OF THE GOVERNING BOARD OF THE AUTHORITY.

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Read the first time and referred to the Committee on Transportation.

S. 393 -- Senator Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE VICTORIE HANSEN, KARI PAIT, AND

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HEATHER REDD, OF GASTON GIRL SCOUT TROOP 3285, FOR ACHIEVING THE GIRL SCOUT GOLD AWARD, TO COMMEND THEM FOR THEIR HARD WORK AND DETERMINATION IN REACHING THIS GOAL, AND TO THANK THEM FOR THEIR LABORS IN CONSTRUCTING A NEW WELCOME SIGN FOR THE TOWN OF GASTON.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 394 -- Senator Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE BUNYAN M. CAVE, PROGRAM MANAGER OF THE SOUTH CAROLINA BUDGET & CONTROL BOARD'S DIVISION OF STATE INFORMATION TECHNOLOGY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR THIRTY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO EXTEND BEST WISHES FOR MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 395 -- Senator Davis: A BILL TO AMEND CHAPTER 20, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION FINANCE ACT OF 1977, SO AS TO REVISE THE MANNER IN WHICH WEIGHTINGS USED TO PROVIDE FOR RELATIVE COST DIFFERENCES BETWEEN STUDENTS ARE DETERMINED, REVISE THE MANNER IN WHICH SCHOOL DISTRICT FUNDING UNDER THIS ACT IS DISTRIBUTED, INCLUDING ELIMINATING THE INDEX OF TAXPAYING ABILITY, RENAMING "BASE STUDENT COST" AS "WEIGHTED STUDENT COST", AND MODIFYING THE FORMULA FOR COMPUTING WEIGHTED STUDENT COST, AND TO REQUIRE THE GENERAL ASSEMBLY BEGINNING WITH FISCAL YEAR 2010-2011 TO PROVIDE ALLOCATIONS TO SCHOOL DISTRICTS BASED ON THE FULL AMOUNT OF WEIGHTED STUDENT COST DETERMINED UNDER THIS CHAPTER; BY ADDING ARTICLE 7 TO CHAPTER 69, TITLE 59 SO AS TO PROVIDE THAT ALLOCATIONS MADE TO SCHOOL DISTRICTS UNDER THE EDUCATION IMPROVEMENT ACT MUST BE DISBURSED DIRECTLY TO INDIVIDUAL SCHOOLS

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WITHOUT REGARD TO A DESIGNATED PURPOSE IN THE SAME MANNER AND FORMULA AS CONTAINED IN THE EDUCATION FINANCE ACT; AND TO REPEAL SECTIONS 4-10-810 AND 59-21-1030 RELATING TO THE LEVEL OF FINANCIAL EFFORT PER PUPIL REQUIRED OF SCHOOL DISTRICTS.

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Read the first time and referred to the Committee on Finance.

S. 396 -- Senator Cleary: A BILL TO AMEND SUBARTICLE 11, ARTICLE 3, CHAPTER 6, TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATION OF MANUFACTURERS OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE REGULATION OF MICRO-DISTILLERS OF ALCOHOLIC LIQUORS ON LICENSED PREMISES, TO DEFINE NECESSARY TERMS, TO PROVIDE A BIENNIAL DISTILLERY LICENSE FEE, TO PROVIDE PROCEDURES FOR WHO MAY OBTAIN A LICENSE, TO PROVIDE RESTRICTIONS ON THE LICENSE, TO PROVIDE FOR APPLICATIONS FOR TASTINGS AND LIMITATIONS ON TASTINGS, AND TO PROVIDE A PENALTY FOR PERSONS WHO VIOLATE THE PROVISIONS OF THE SUBARTICLE.

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Read the first time and referred to the Committee on Judiciary.

S. 397 -- Senators Bright, Bryant, Cromer, Ryberg, Knotts, S. Martin, Reese, Mulvaney, Davis, Campbell, Rose, Shoopman and Thomas: A BILL TO AMEND SECTION 22-1-40 OF THE 1976 CODE, RELATING TO APPEARANCE AS AN ATTORNEY IN A CASE BEFORE A MAGISTRATE, TO PROHIBIT SENATORS, THEIR FAMILY MEMBERS, AND LEGAL ASSOCIATES FROM REPRESENTING ANOTHER PERSON AS AN ATTORNEY AT LAW BEFORE A MAGISTRATE THE SENATOR RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT.

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Read the first time and referred to the Committee on Judiciary.

S. 398 -- Senators Bright, Massey, Bryant, S. Martin, Sheheen, Reese, Grooms, Fair, Rose, Campbell and Thomas: A BILL TO AMEND SECTION 2-7-30 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND

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"PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, TO PROVIDE THAT THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL" INCLUDES INFANT MEMBERS OF THE SPECIES HOMO SAPIENS WHO ARE BORN ALIVE, AND TO DEFINE "BORN ALIVE".

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Read the first time and referred to the Committee on Judiciary.

H. 3137 -- Reps. Harrison and Battle: A BILL TO AMEND SECTION 4-9-145, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LITTER CONTROL OFFICERS, SO AS TO PROVIDE THAT AN ANIMAL CONTROL OFFICER HAS THE SAME POWERS AND DUTIES AS A LITTER CONTROL OFFICER.

Read the first time and referred to the Committee on Judiciary.

H. 3274 -- Reps. Gilliard, Alexander, Brantley, Clyburn, Cobb-Hunter, Forrester, Govan, Gunn, Hosey, Howard, Hutto, Jefferson, Kirsh, Mack, Miller, Sottile, Stavrinakis, Whipper and R. L. Brown: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO APPROPRIATE THE FUNDS NECESSARY TO ALLOW THE STATE OF SOUTH CAROLINA AND THE CITY OF CHARLESTON TO COMPLETE THE SPRING STREET/FISHBURNE STREET/UNITED STATES HIGHWAY 17 DRAINAGE BASIN IMPROVEMENTS PROJECT LOCATED IN THE CITY OF CHARLESTON, SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Finance.

H. 3444 -- Reps. Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long,

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Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO COMMEND MAJOR EDDIE C. JOHNSON, OF SUMTER COUNTY, FOR AN OUTSTANDING CAREER WITH THE SOUTH CAROLINA HIGHWAY PATROL AND FOR HIS OTHER CONTRIBUTIONS TO THIS STATE AND NATION UPON THE OCCASION OF HIS RETIREMENT FROM THE HIGHWAY PATROL AFTER TWENTY-NINE YEARS OF DISTINGUISHED SERVICE, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN HIS FUTURE ENDEAVORS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3451 -- Reps. Chalk, Herbkersman, Erickson, Hodges, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Hiott, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF JOHN CURRY,

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OF BEAUFORT COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

THIRD READING BILL

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 4 -- Senators McConnell, Campsen, Rose, Bryant, Elliott, Peeler, Bright, Campbell, Ford, Knotts, Davis, Setzler and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2009", BY ADDING SECTION 59-25-900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL-RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER'S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL; AND TO AMEND SECTION 16-3-612, RELATING TO THE OFFENSE OF A STUDENT COMMITTING ASSAULT AND BATTERY AGAINST A PERSON AFFILIATED WITH A SCHOOL IN AN OFFICIAL CAPACITY, SO AS TO REDEFINE INTO THREE OFFENSES WITH SEPARATE PENALTIES FOR EACH, INCLUDING ESTABLISHING THE MOST SERIOUS OFFENSE AS A FELONY.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

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Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Elliott
Fair	Grooms	Hayes
Hutto	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	<i>Martin, S.</i>
Massey	Matthews	McConnell
McGill	Mulvaney	Nicholson
O'Dell	Peeler	Pinckney
Rose	Ryberg	Setzler
Sheheen	Shoopman	Verdin
Williams		

Total--40

NAYS

Total--0

The Bill was read the third time, passed and ordered sent to the House of Representatives.

SECOND READING BILLS

The following Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 13 -- Senators Leatherman, Elliott and Campbell: A BILL TO AMEND SECTION 56-3-910 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE FEES, TO PROVIDE THAT FEES BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK INSTEAD OF THE DEPARTMENT OF TRANSPORTATION.

Senator GROOMS explained the Bill.

S. 13--Recorded Vote

Senator RYBERG desired to be recorded as voting in favor of the second reading of the Bill.

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H. 3353 -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUME 21 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2009.

Senator L. MARTIN explained the Joint Resolution.

S. 3353--Recorded Vote

Senator RYBERG desired to be recorded as voting in favor of the second reading of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 155 -- Senators Campsen, Rose, Hayes and Lourie: A BILL TO AMEND CHAPTER 7, TITLE 20 OF THE 1976 CODE BY ADDING ARTICLE 33 TO ENACT THE "MILITARY PARENT EQUAL PROTECTION ACT", TO PROVIDE THAT A MILITARY PARENT'S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NON-MILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT'S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR CHILD, AND TO PROVIDE THAT ANY INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND TO AMEND CHAPTER 1, TITLE 15, BY ADDING SECTION 15-1-340, TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0155.002), which was adopted:

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Amend the bill, as and if amended, by striking all after the enacting language and inserting therein:

/ SECTION 1. Chapter 5, Title 63 of the 1976 Code is amended by adding:

“Article 7

Military Parent Equal Protection Act

Section 63-5-900. This article may be cited as the ‘Military Parent Equal Protection Act’.

Section 63-5-910. For purposes of this article:

(A)(1) In the case of a parent who is a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or a Reserve component of these services, ‘military service or service’ means a deployment for combat operations, a contingency operation, or a natural disaster based on orders that do not permit a family member to accompany the member on the deployment.

(2) In the case of a parent who is a member of the National Guard, ‘military service or service’ means service under a call to active service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty consecutive days pursuant to 32 U.S.C. 502(f) for purposes of responding to a national emergency declared by the President and supported by federal funds.

‘Military service or service’ includes a period during which a military parent remains subject to deployment orders and remains deployed on account of sickness, wounds, leave, or other lawful cause.

(B) ‘Military parent’ means a natural parent or adoptive parent of a child under the age of eighteen whose parental rights have not been terminated by a court of competent jurisdiction.

Section 63-5-920. (A) If a military parent is required to be separated from a child due to military service, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the military parent is released from military service. A military parent’s absence or relocation because of military service must not be the sole factor supporting a change in circumstance or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

(B) An existing order establishing the terms of custody or visitation in place at the time a military parent is called to military service may be temporarily modified to make reasonable accommodation for the parties because of the military parent’s service. A temporary

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modification automatically terminates when the military parent is released from service and, upon release, the original terms of the custody or visitation order in place at the time the military parent was called to military service are automatically reinstated.

(C) A temporary modification order issued pursuant to this section must provide that the military parent has custody of the child or reasonable visitation, whichever is applicable pursuant to the original order, with the child during a period of leave granted to the military parent during their military service. If a temporary modification order is not issued pursuant to this section, the nonmilitary custodial parent shall make the child or children reasonably available to the military parent when the military parent has leave to ensure that the military parent has reasonable visitation and is able to visit the child or children.

(D) If there is no existing order establishing the terms of custody or visitation and it appears that military service is imminent, upon motion by either parent, the court shall expedite a temporary hearing to establish temporary custody or visitation to ensure the military parent has access to the child, to establish support, and provide other appropriate relief.

Section 63-5-930. (A) If a military parent is called to military service, either parent may file a notice of activation of military service and petition to modify a support order. In the petition, the parent must cite the basis for modifying the support order and the military parent's change in financial circumstances supporting the petition.

(B) The court shall temporarily modify the amount of child support for the duration of the military parent's military service based on changes in income and earning capacity of the military parent during military service. An increase or decrease in income or earning capacity of a military parent due to military service may only be used to calculate support during the period of military service and must not be considered a permanent increase in wages or earning capacity. The effective date for a temporary modification must be the date the military parent begins military service.

(C) Upon return from military service, the military parent's child support obligation prior to a temporary modification is automatically reinstated, effective on the date the military parent is released from service. Within ninety days of the military parent's release from service, either parent may make a subsequent request for modification to correspond to a change in the military parent's nonservice related income or earning capacity. A modification must be based upon the

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income or earning capacity of the military parent following the period of military service.

(D) Except for modifying a child support obligation during military service pursuant to this section, a military parent's income during military service must not be used to determine the military parent's income or earning capacity.

Section 63-5-940. (A) Military necessity may preclude court adjudication before mobilization, and the parties are encouraged to negotiate mutually agreeable arrangements prior to mobilization.

(B) The nonmilitary parent and the military parent shall cooperate with each other in an effort to reach a mutually agreeable resolution of custody, visitation, and child support. Each party shall provide information to each other in an effort to facilitate agreement on custody, visitation, and child support.

(C) A provision of custody, visitation, or child support agreed to by the parties pursuant to this section must not be deemed a substantial change of circumstances in an action for custody, visitation, or child support, which occurs subsequent to termination of the military parent's military service. A negotiation of the parties concerning custody, visitation, and child support related to the military service conducted pursuant to this section are deemed settlement negotiations and are not admissible in custody, visitation, and child support actions between the parties after termination of the military parent's military service.

Section 63-5-950. In making determinations pursuant to this article, the court may award attorney's fees and costs based on the court's consideration of:

(1) the failure of either party to reasonably accommodate the other party in custody, visitation, and support matters related to a military parent's service;

(2) unreasonable delay caused by either party in resolving custody, visitation, and support matters related to a military parent's service;

(3) failure of either party to timely provide income and earnings information to the other party; and

(4) other factors as the court may consider appropriate and as may be required by law."

SECTION 2. Chapter 1, Title 15 of the 1976 Code is amended by adding:

"Section 15-1-340. (A) A service member who is entitled to a stay in civil proceedings pursuant to the Service Members Civil Relief

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Act, 50 U.S.C. App. Section 501, et seq. may elect to proceed while the service member is reasonably unavailable to appear in the geographical location in which the litigation is pursued and may seek relief and provide evidence through video-conferencing, internet camera, email, or another reasonable electronic means. Testimony presented must be made under oath, in a manner viewable by all parties, and in the presence of a court reporter. In matters when a party who is physically present in the State is permitted to use affidavits or seek temporary relief, the service member may submit testimony by affidavit.

(B) The court must allow a party to proceed pursuant to this section unless an opposing party establishes a compelling reason not to proceed by clear and convincing evidence. The court must allow a party to present evidence pursuant to a method provided by this section unless an opposing party established that the method will cause a substantial injustice, deny effective cross examination, deny the right to confront the witness, or abridge another constitutional right.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

S. 155--Recorded Vote

Senator RYBERG desired to be recorded as voting in favor of the second reading of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 198 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 39-5-37, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF A NAME TO MISREPRESENT THE GEOGRAPHICAL LOCATION OF A BUSINESS AS AN UNLAWFUL TRADE PRACTICE, SO AS TO MAKE IT AN UNLAWFUL TRADE PRACTICE TO PUBLISH IN A TELEPHONE ASSISTANCE DATABASE OR A PRINT ADVERTISEMENT AN

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INTENTIONALLY MISLEADING REPRESENTATION OF THE GEOGRAPHICAL LOCATION OF THE BUSINESS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0198.003), which was adopted:

Amend the bill as and if amended, SECTION 2, page 2, lines 35-38, by deleting SECTION 2, page 2, lines 35-38 in their entirety and inserting the following:

/ SECTION 2. This act takes effect on January 1, 2010, and applies to any telephone directory, telephone assistance database, or print advertisement provided or published after that date. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

S. 198--Recorded Vote

Senator MULVANEY desired to be recorded as voting against the second reading of the Bill.

S. 198--Recorded Vote

Senator RYBERG desired to be recorded as voting in favor of the second reading of the Bill.

ADOPTED

H. 3307 -- Reps. Gunn and Harrell: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

The Concurrent Resolution was adopted, ordered returned to the House.

Recorded Vote

Senator VERDIN desired to be recorded as voting against the adoption of the Resolution.

CARRIED OVER

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF

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PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

On motion of Senator SHEHEEN, the Bill was carried over.

S. 245 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 63-3-530 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS ADDED BY ACT 361 OF 2008, RELATING TO CHILD SUPPORT PAYMENTS, TO PERMIT A FAMILY COURT JUDGE TO MAKE AN ORDER FOR CHILD SUPPORT RUN PAST THE AGE OF EIGHTEEN IF THE CHILD IS ENROLLED AND STILL ATTENDING HIGH SCHOOL, NOT TO EXCEED HIGH SCHOOL GRADUATION OR THE END OF THE SCHOOL YEAR AFTER THE CHILD REACHES NINETEEN YEARS OF AGE, WHICHEVER OCCURS FIRST.

On motion of Senator SETZLER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED,
AMENDMENT PROPOSED, CARRIED OVER**

S. 132 -- Senators Sheheen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-5-175 SO AS TO PROVIDE THAT A LENDER WHO DELIVERS AN UNSOLICITED CHECK TO A PERSON MUST DISCLOSE THAT THE CHECK SECURES A LOAN, THE TERMS OF THE LOAN, AND NOTICE THAT BY NEGOTIATING THE CHECK THE RECIPIENT HAS ENTERED INTO A LOAN AGREEMENT, TO PROVIDE PROTECTION AND RECOURSE FOR INTENDED PAYEES IF AN UNSOLICITED CHECK IS CASHED FRAUDULENTLY, AND TO PROVIDE THAT A VIOLATION OF THIS SECTION IS AN UNFAIR TRADE PRACTICE AND SUBJECT TO APPROPRIATE PENALTIES AND ENFORCEMENT.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

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The Committee on Judiciary proposed the following amendment (JUD0132.002), which was adopted:

Amend the bill as and if amended, by striking all after the enacting words and inserting the following:

/ SECTION 1. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39-5-175. (A) It is an unfair trade practice pursuant to Section 39-5-20 for a person, firm, or corporation engaged in lending money to deliver to a person an unsolicited check made payable to the recipient which, upon negotiation, obligates the recipient to repay the amount of the check plus interest and fees, unless all of the following requirements are satisfied:

(1) In addition to disclosures and restrictions required by the South Carolina Consumer Protection Code and the provisions and regulations applicable to consumer credit loans, as well as all Federal Truth in Lending disclosure requirements, the solicitation for loans using a facsimile or negotiable check must disclose all of the following on the face of the check:

(a) In at least 10-point boldface type, a statement in substantially the following form: ‘THIS IS A SOLICITATION FOR A LOAN. READ THE ATTACHED DISCLOSURES BEFORE SIGNING THIS AGREEMENT.’

(b) In at least 6-point type, a statement in substantially the following form: ‘By endorsing the back of this check and presenting it for negotiation, you accept our offer and agree to the terms of your loan agreement contained in the disclosure statement attached to this check.’

(2) Notification that the loan agreement is activated by negotiation must be conspicuously printed in at least 6-point type on the back of the check in substantially the following form: ‘By endorsing this check and presenting it for negotiation, you agree to repay this loan according to the terms of the attached loan agreement.’

(3) The check is attached to a disclosure statement that is detachable and that contains:

(a) In at least 10-point boldface type a statement conspicuously placed and in substantially the following form: ‘This is a loan solicitation. If you cash, deposit, or otherwise negotiate this check, you are agreeing to borrow the sum of \$_____ at the ____% rate of interest for a period of _____ months. Your monthly payments will be \$_____ for _____ months. This interest rate is subject to the limitations, if any, established by the South Carolina Consumer

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Protection Code. If you are late with a payment, you will be charged the following fees in addition to your monthly payment: (list fees). All other terms of this loan are clearly identified as loan terms and appear on the back of the check or on this attachment. Read these terms carefully before you cash this check. Cashing this check constitutes a loan transaction. You may cancel this loan by returning the amount of the check to the lender within ten days of the date this check is cashed. You may prepay this loan agreement at any time without penalty. **READ THE AGREEMENT BEFORE SIGNING.'**

(b) In at least 10-point type, if the interest rate exceeds twenty-five percent, a statement, in bold, in substantially the following form: 'Loans may be available at lower interest rates from other sources.'

(c) If applicable, in at least 10-point type, a statement in substantially the following form: 'This loan may include the cost of credit insurance. If you choose to purchase this credit insurance, you will owe more money and will be charged interest on the money used to buy the insurance. You do not have to buy this insurance, and it may not be in your best interest to do so.'

(4) The recipient has a right to cancel the loan by refunding to the lender the amount of the check within ten days of the date the check is negotiated. The loan is considered refunded when the lender receives a refund of the amount of the check within ten days of the date the check is negotiated.

(B) In the event an unsolicited check is stolen or otherwise obtained by someone other than the intended payee, and the check is negotiated fraudulently or without authorization from the payee, the lender who issued the check shall provide the following recourse to the intended payee:

(1) The lender, upon receipt of notification that the intended payee did not negotiate the check, promptly shall provide the intended payee with a statement or affidavit to be signed by the intended payee confirming that the intended payee did not deposit or cash the check or receive the proceeds of the check. The lender also shall provide the intended payee with the name and telephone number of a contact person designated by the lender to provide assistance to intended payees who have been victimized by the fraudulent negotiation of unsolicited checks. The lender shall cease all collection activity against the intended payee until the lender completes an investigation into the transaction.

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(2) The intended payee must be directed to complete and return the confirmation statement to the lender or an affiliate of the lender.

(3) Within thirty days of the receipt of the confirmation statement, the lender shall conduct a reasonable investigation and determine if the check was fraudulently negotiated. Absent evidence to the contrary, the presumption is that the confirmation statement submitted by the intended payee is accurate. The lender shall notify the intended payee in writing of the results of the investigation. If it is determined that the check was negotiated fraudulently, the lender shall take immediate action to remove the intended payee from all liability on the account and to request all credit reporting agencies to remove references to the transaction, if any, from the consumer's credit reports.

(4) A consumer who is an intended payee of an unsolicited check as provided in this section may bring a civil action to recover damages, costs, and attorney fees for any violation of this subsection.

(C) The provisions of this section do not apply to a transaction in which a consumer has submitted an application or requested an extension of credit from the lender before receiving the check or instrument, or if the lender has an existing account relationship with the consumer.

(D) A violation of this section is an unfair trade practice pursuant to Chapter 5 of Title 39 and is subject to all of the enforcement and penalty provisions of an unfair trade practice pursuant to this chapter."

SECTION 2. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

Senators FORD and KNOTTS proposed the following amendment (JUD0132.003):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting the following:

/ A BILL

TO AMEND CHAPTER 13, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-475 SO AS TO CREATE THE CRIME OF SENDING UNSOLICITED CHECKS FOR THE PURPOSE OF CREATING UNSOLICITED OR

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UNREQUESTED LOANS, TO PROVIDE THAT A VIOLATION IS A FELONY, AND TO PROVIDE FOR A MANDATORY MINIMUM PENALTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 13, Title 16 is amended by adding:

“Section 16-13-475. (A) For purposes of this section:

(1) ‘Check’ means a demand draft drawn on or payable through an office of a depository institution located in the United States that has imprinted on it the account holder's name and the depository institution's name, location, and routing number.

(2) ‘Unsolicited check’ means a check mailed or otherwise delivered to a person from a person, firm, or corporation engaged in lending money, which is made payable to the recipient and which, upon negotiation, creates a loan and obligates the recipient to repay the amount of the check plus interest and fees.

(B) It is unlawful for a person, firm, or corporation to engage in the business of sending unsolicited checks to persons for the purpose of making a loan.

(C) The provisions of this section do not apply to a transaction in which a person has submitted an application or requested an extension of credit from the lender before receiving the check or instrument, or if the lender has an existing account relationship with the person.

(D) A person, firm, or corporation that violates this section is guilty of a felony and, upon conviction, must be fined the mandatory minimum amount of ten thousand dollars or imprisoned for the mandatory minimum period of five years, or both, no part of which may be suspended nor probation granted.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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SECTION 3. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator KNOTTS explained the amendment.

Point of Order

Senator L. MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator KNOTTS resumed explaining the Bill.

On motion of Senator KNOTTS, the Bill was carried over, as amended.

COMMITTEE AMENDMENT ADOPTED

CARRIED OVER

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE

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SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0184.003), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 25-34 in their entirety and inserting:

/ "Any person buying junk shall keep a book ~~which~~ that he shall keep open to the inspection of all persons, wherein he shall set down the name and address, city and street, of every person selling junk and an itemized statement of all junk bought from such person and the date of purchase. If a person buys junk that consists of twenty-five pounds or more of scrap metal or vehicle parts, other than nonferrous metals, as defined by Section 16-17-680, the person must keep with the record of purchase a photocopy of the seller's driver's license or other

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government issued picture identification card that shows the seller's name and address. A person buying nonferrous metals is subject to the provisions of Section 16-17-680." /

Amend the bill further, as and if amended, by adding an appropriately numbered section to read:

/ SECTION __. Section 40-27-30 of the 1976 Code is repealed./

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

On motion of Senator SCOTT, the Bill was carried over, as amended.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED
CARRIED OVER**

S. 278 -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, AND TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Finance.

Senator ALEXANDER proposed the following amendment (278FIN003), which was adopted:

Amend the committee amendment, as and if amended, page [278-1], by adding a new paragraph after line 35 to read:

/ Following the adoption of the resolution, the county must refund any taxpayer the requisite amount if the taxpayer paid a late payment penalty and the taxpayer would have otherwise had the late payment penalty waived or reduced pursuant to the resolution. /

Renumber sections to conform.

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Amend title to conform.

Senator ALEXANDER explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Finance proposed the following amendment (278FIN002), which was adopted:

Amend the joint resolution as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Notwithstanding the provisions of Section 12-45-180 of the 1976 Code, imposing penalties for late payment of property taxes on real property, the governing body of a county by resolution adopted by majority vote may allow county officials charged with the collection of property taxes to waive or reduce the late payment penalties otherwise applicable for taxes due on real property for property tax years 2008 and 2009 as long as the full property tax payment is made by April fifteenth of the applicable tax year. The resolution must specify those terms and conditions under which the penalties may be waived or reduced.

Prior to proposing the resolution, each local taxing entity within the county whose taxes are collected by the county, must notify the county of its consent to the resolution. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted as perfected.

On motion of Senator MULVANEY, the Joint Resolution was carried over, as amended.

MOTION ADOPTED

On motion of Senator L. MARTIN, the Senate agreed that, when the Senate adjourns, it stand adjourned to meet tomorrow at 11:45 A.M., and following the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

Senator L. MARTIN moved that the Senate stand adjourned.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 22; Nays 19

AYES

Alexander	Anderson	Campsen
Cleary	Coleman	Cromer
Elliott	Fair	Jackson
Leatherman	Leventis	Lourie
<i>Martin, L.</i>	Massey	Mulvaney
Peeler	Reese	Ryberg
Scott	Setzler	Sheheen
Shoopman		

Total--22

NAYS

Bright	Bryant	Campbell
Davis	Ford	Grooms
Hutto	Knotts	Malloy
<i>Martin, S.</i>	Matthews	McConnell
McGill	Pinckney	Rankin
Rose	Thomas	Verdin
Williams		

Total--19

The motion was adopted.

ADJOURNMENT

At 1:28 P.M., on motion of Senator MARTIN, the Senate adjourned to meet tomorrow at 11:45 A.M.

* * *

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